FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 931 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Shri Gaikwad, advocate for the Appellants.

CORAM: A.S. OKA, J.
DATE : 24th August, 2004.

P.C.:-

1. Heard Shri Gaikwad, learned counsel appearing for the Appellants.

2. Perused the Judgments of courts below. The Courts below have held against the Appellants on the ground that Subbarao Ransube died on 28th January, 1978 and therefore the Appellants Original Plainttiffs cannot claim any right, title and interest on the basis of registered sale deed allegedly executed by the said Subbarao on 9th April, 1982.

3. Learned Counsel for the Appellants contended that the death certificate relied upon by the Respondents is not duly proved and in any event it is suspicious.

4. However, the Appellate Court has referred to the oral and documentary evidence on record. The Appellate Court has recorded a finding that the death certificate issued by the Pune Municipal Corporation was on the basis of hospital papers recevied from Ruby Hall Clinic at Pune. Another piece of evidence is brought on record to show that after the demise of Subbarao in the year 1978, in the year 1984 pension amount was received by Jayalakshmi, widow of Subbarao. Considering this evidence on record, the Appellate court accepted the fact that Subbarao died in the year 1978 and therefore he could not have executed a sale deed in the year 1992.

5. The finding of the Appellate Court that Subbarao died in the year 1978 is based on legal and admissible evidence on record. There is no perversity or illegality in the said finding. No substantial question of law arises. Second Appeal is dismissed with no orders as to costs.

JUDGE